

Application No. 10/823,536  
Amendment dated April 26, 2007  
Reply to Office Action of January 26, 2007

Docket No.: 0941-0945PUS1

### REMARKS

Claims 1-16 are pending in the present application. Claim 1 has been amended.

#### Specification

The specification has been objected to at page 2 of the outstanding Office Action because the incorporation of essential material in the specification by reference to an unpublished U. S. application, foreign application or patent, or to a publication is improper.

As will be seen by the above amendments, the specification has been amended at pages 1 and 2 to overcome the objections thereto. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Reconsideration of this application as amended is respectfully requested in light of the remarks contained below.

#### Claim Rejections - 35 U.S.C. § 101

Claims 1-16 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

Claim 1 has been amended to overcome the rejection, to recite "aligning the soundtrack with image transition using indices yielded from music analysis based on the final estimated tempo." This amendment is supported, in the description of the related art, on page 2, lines 23-30 of the specification, which states:

"In Automated Video Editing (AVE) systems, music analysis process is essential to acquire indices for alignment of soundtracks with video clips. In most pop music videos, video/image shot transitions usually occur at the beats. Moreover, fast music is usually aligned with many short video clips and fast transitions, while slow music is usually aligned with long video clips and slow transitions."

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Further support may be found in the detailed description, on page 7, lines 3-4 of the specification which states:

“In step S144, the beat onsets are determined by the final estimated tempo.”

and further in the detailed description, on page 7, line 29 to page 8, line 2 of the specification, which states:

“In conclusion, the present invention provides a method for tempo estimation, beat detection and micro-change detection for music, which yields indices for alignment of soundtracks with video clips.”

This amendment to claim 1 has provided a practical application of aligning soundtrack with image transition, as a useful, concrete, and tangible result. It is Applicant's belief that claim 1 as amended and claims 2-16 which depend therefrom are direct to statutory subject matter.

For the reasons stated above, it is Applicant's belief that claims 1-16 are allowable.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of claims 1-16.

#### Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

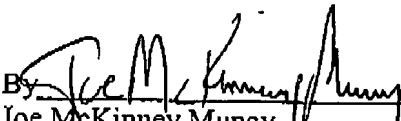
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 26, 2007

Respectfully submitted,

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